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REMARKS

Applicants urge that no fee is required as no new claims over those previously paid for have been added through this Amendment. Should any fee be required, Applicants urge that the Commissioner charge Deposit Account 19-3550 for any such fee. No new matter has been added by these amendments.

Request for Telephone Interview

Applicants urge that this Amendment is fully responsive to the pending Office Action and that the subject U.S. patent application is allowable. Should any issue remain, Applicants urge the Examiner to contact the undersigned at 847.490.1400.

Amendment to the Claims

Claim 1 has been amended to add the limitations of Claim 5. New Claim 41, combining Claims 1-3, has been added together with dependent Claims 42-47. Applicants have canceled Claims 10, 12, 14, 17. Applicants have amended the dependency of Claims 6-9. Applicants urge that no new matter has been added through the referenced Amendment.

Response to Election/Restriction

Applicants have canceled the non-elected Claims 19-40.

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Drawings Objection

The objection of the drawings under 37 CFR § 1.83(a) as not showing the various features of Claim 10, 12, 14 and 17 is moot as Applicants have canceled the referenced claims.

Double Patenting

The Examiner has rejected Claims 1-18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-68 of U.S. Patent Application No. 10/821,521 and Claims 1-34 of U.S. Patent Application No. 10/821,673. Applicants shall submit a proper terminal disclaimer over such references upon indication of allowance of the pending claims.

Claim Rejections Based on 35 U.S.C. §§102 and 103

The Examiner has rejected Claims 1, 4, 10-14, 16 and 18 under 35 U.S.C. §102(b) as being anticipated by Kreitmeier, U.S. Patent 4,764,968 (“the Kreitmeier Patent”). Applicants respectfully traverse these rejections as moot in view of the above referenced amendments. Applicants urge that the amended and newly added claims are not taught or suggested by the Kreitmeier Patent.

The Examiner has additionally rejected Claims 1-4, 11, 13, 15-16 and 18 under 35 U.S.C. §103(a) as being obvious over Tsao, U.S. Patent 5,231,672 (“the Tsao Patent”) is respectfully traversed. Applicants have incorporated allowable but objected to Claim 5 into Claim 1. In addition, Applicants urge that the Tsao Patent does not

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teach or suggest a frame and diaphragm having a sheet of material folded to form a surface portion and a side portion connected to the surface portion; a connection between the side portion of the diaphragm and the frame; where the connection joins the side portion of the diaphragm at points outside a plane of the surface portion of the diaphragm and where the diaphragm has a center of mass, and where the connection is attached to the side portion of the diaphragm at locations that are substantially coplanar with the center of mass, as required in new Claim 41.

For at least the reasons stated above, Applicants' invention is patentably distinguished from the cited references. Accordingly, Applicants urge that the subject U.S. patent application proceed to allowance.

Conclusion

Applicants believe that the above Amendment addresses and overcomes each and every issue and rejection raised by the Examiner and therefore places the subject U.S. Patent Application into condition for allowance.

Respectfully submitted,



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